

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PIETRO PASQUALE ANTONIO  
SGROMO (A/K/A PETER ANTHONY  
SGROMO),

*Plaintiff,*

v.

LEONARD GREGORY SCOTT and  
EUREKA INVENTIONS LLC,

*Defendants.*

Case No. 2:19-cv-00231-JRG-RSP

**MEMORANDUM ORDER**

Before the Court is Leonard Gregory Scott and Eureka Inventions LLC's ("Defendants") motion to remand this action to state court, or in the alternative to transfer to the Northern District of California. (Dkt. No. 8). Defendants argue that Plaintiff Pietro Pasquale Antonio Sgromo ("Sgromo") improperly removed the case from the San Francisco Superior Court (Case No.: CPF-19-0516663) to this District. (*See* Dkt. No. 1).

While this case is part of a tangled web of interconnected parties and actions,<sup>1</sup> the issue here is quite simple. May a plaintiff properly remove a civil action from state court to a federal court in another district? Section 1446 governs removal of civil action and it states:

**(a) Generally.**--A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

28 U.S.C. § 1446.

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<sup>1</sup> The briefing references multiple other litigations and arbitrations, in at least three separate jurisdictions, as well as a multitude of different involved parties. (*See* Dkt. No. 8 at 2–3).

The statute provides that removal must be made to the federal district court that encompasses the state court jurisdiction where such action is pending. Here, the action was pending in San Francisco, meaning that the only proper federal district court for removal purposes is the Northern District of California. Therefore, removal to this district was improper under the statute.

After consideration, this Court **GRANTS** Defendant's motion. It is **ORDERED** that this case be transferred to the Northern District of California.

**SIGNED** this 7th day of November, 2019.



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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE